

Sector

HE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

John B. Harley, Judith A. James, and Kenr eth M. Kaufman

HAY 3 n 2000

Serial No.:

09/500,904

Group Art Unit:

TECHICEWER 1600/2900)
Not yet assigned

45

Filed:

February 9, 2000

Examiner:

Not yet assigned

For:

DIAGNOSTICS AND THERAPY OF EPSTEIN-BARR VIRUS IN

AUTOIMMUNE DISORDERS

Box Missing Parts Assistant Commissioner for Patents Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION AND
REQUEST FOR CORRECTED FILING RECEIPT

Sir:

Applicants enclose copies of the following which were filed in the U.S. Patent and Trademark Office on April 10, 2000, in the above-identified application:

- 1. Response to Notice to File Missing Parts of Nonprovisional Application with Certificate of Mailing Under 37 C.F.R. § 1.8(a);
- 2. Declaration of Inventorship executed by John B. Harley, Judith A. James, and Kenneth M. Kaufman;
- 3. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(d) --Non-Profit Organization) executed by Oklahoma Medical Research Foundation;
- 4. Statement Under 37 C.F.R. § 3.73(b) executed by assignee Oklahoma Medical Research Foundation, with attached copies of the (a) executed Assignment from Judith A. James

U.S.S.N.: 09/500,904 Filed: February 9, 2000 RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION AND REQUEST FOR CORRECTED FILING RECEIPT

and Kenneth M. Kaufman to Oklahoma Medical Research Foundation, (b) executed Assignment

from John B. Harley to The Board of Regents of the University of Oklahoma, and (c) executed

Assignment from The Board of Regents of the University of Oklahoma to Oklahoma Medical

Research Foundation;

5. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(d) --- Nonprofit

Organization) executed by licensee The Board of Regents of The University of Oklahoma;

6. Check in the amount of \$65.00 for the small entity surcharge for late filing the

Declaration of Inventorship; and

7. Returned postcard indicating receipt by the Patent Office of item Nos. 1-5 on

April 14, 2000.

Applicants also enclose a copy of the Notice to File Missing Parts of Nonprovisional

Application mailed April 10, 2000.

Applicants had not received the Notice to File Missing Parts of Nonprovisional

Application before the Response was mailed on April 10, 2000.

Counsel notes that the Notices to File Missing Parts of Nonprovisional Application are

not being timely transmitted by the Patent Office before the two-month deadline for requesting a

50% refund of filing fees. Therefore, applicants are required to **resubmit** documents that have

already been filed once the Notice is received requiring a response. Additionally, official Filing

Receipts have not been transmitted timely, and applicants are precluded from requesting a

corrected Filing Receipt when the Response to Notice to File Missing Parts of Nonprovisional

2

OMRF 161 CIP 20487/256 U.S.S.N.: 09/500,904 Filed: February 9, 2000 RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION AND REQUEST FOR CORRECTED FILING RECEIPT

Application is filed. Timely mailings from the Patent Office would be much appreciated so that timely responses could be filed without later resubmission of those responses.

Request for Corrected Filing Receipt

Applicants respectfully request a corrected Filing Receipt to correct the title and the continuing data of the application. The correct title is: "Diagnostics and Therapy of Epstein-Barr Virus in Autoimmune Disorders". The only continuing data on the Filing Receipt that is cited by applicants on the Declaration of Inventorship and the application is "This application is a CIP of 08/781,296 filed January 13, 1997". The additional continuing data on the official Filing Receipt should be deleted. Priority to these applications is not claimed. Applicants enclose a copy of the Filing Receipt with the corrections noted in red.

No fees are due at this time.

Respectfully submitted,

Patrea L. Pabst

Reg. No. 31,284

ARNALL GOLDEN & GREGORY, LLP

2800 One Atlantic Center 1201 West Peachtree Street Atlanta, Georgia 30309-3450 404-873-8794 (telephone)

404-873-8795 (fax)

Date: May 11, 2000

RECEIVED

CHCENTER 1600/2900

MAY 1 9 2000 SIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

John B. Harley, Judith A. James, and Kenneth M. Kaufman

Serial No.:

09/500,904

Group Art Unit:

Not yet assigned

Filed:

February 9, 2000

Examiner:

Not yet assigned

For:

DIAGNOSTICS AND THERAPY OF EPSTEIN-BARR VIRUS IN

AUTOIMMUNE DISORDERS

Box Missing Parts Assistant Commissioner for Patents Washington, D.C. 2023l

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Sir:

Applicants enclose the following for filing in the above-identified application:

- 1. Declaration of Inventorship executed by John B. Harley, Judith A. James, and Kenneth M. Kaufman;
- 2. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(d) --Non-Profit Organization) executed by Oklahoma Medical Research Foundation;
- 3. Statement Under 37 C.F.R. § 3.73(b) executed by assignee Oklahoma Medical Research Foundation, with attached copies of the (a) executed Assignment from Judith A. James and Kenneth M. Kaufman to Oklahoma Medical Research Foundation, (b) executed Assignment from John B. Harley to The Board of Regents of the University of Oklahoma, and (c) executed

U.S.S.N.: 09/500,904
Filed: February 9, 2000
RESPONSE TO NOTICE TO FILE MISSING
PARTS OF NONPROVISIONAL APPLICATION

Assignment from The Board of Regents of the University of Oklahoma to Oklahoma Medical Research Foundation;

4. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(d) --- Nonprofit Organization) executed by licensee The Board of Regents of The University of Oklahoma; and

5. Check in the amount of \$65.00 for the small entity surcharge for late filing the Declaration of Inventorship.

Applicants have not yet received the Notice to File Missing Parts of Nonprovisional Application.

Please charge any other fees due, or credit any overpayment, in connection with this matter to Deposit Account No. 01-2507. A duplicate of this transmittal is enclosed to facilitate this process.

Respectfully submitted,

Patrea L. Pabst Reg. No. 31,284

Date: April 10, 2000

ARNALL GOLDEN & GREGORY, LLP 2800 One Atlantic Center 1201 West Peachtree Street Atlanta, Georgia 30309-3450 404-873-8794 (telephone) 404-873-8795 (fax) U.S.S.N.: 09/500,904 Filed: February 9, 2000

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this Response to Notice to File Missing Parts of Nonprovisional Application, together with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231.

Celia M. Phillips

Date: April 10, 2000

U.S.S.N.: 09/500,904 Filed: February 9, 2000 RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION AND REQUEST FOR CORRECTED FILING RECEIPT



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this Response to Notice to File Missing Parts of Nonprovisional Application and Request for Corrected Filing Receipt, together with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231.

Teresa R. Spratt

Date: May 11, 2000





UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENT AND TRADEMARKS Washington, D.C. 20231

APPLICATION NUMBER FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/500,904

02/09/2000

John B Harley

OMRF 161 CIP

Patrea L Pabst Arnall Golden & Gregory LLP 2800 One Atlantic Center 1201 West Peachtree Street Atlanta, GA 30309



Date Mailed: 04/10/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
 A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center –

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE





UNITED STATES DEPARTMENT OF COMMERCE **Patent and Trademark Office**

Address: ASSISTANT SECRETARY AND

COMMISSIONER OF PATENT AND TRADEMARKS Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/500 904	02/09/2000	1642	581	OMRF 161		26	6

09/500,904

02/09/2000

1642

CIP

Patrea L Pabst Arnall Golden & Gregory LLP 2800 One Atlantic Center 1201 West Peachtree Street Atlanta, GA 30309



Date Mailed: 04/20/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

John B Harley, Oklahoma City, OK; Judith A James, Edmond, OK; Kenneth M Kaufman, Oklahoma City, OK;

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CIP OF 08/781,296 01/13/1997 WHICH CLAIMS BENEFIT OF 60/019,053 05/16/1096 AND A CIP OF 08/160,004-11/39/1993

RECEIVED

Foreign Applications

APR 2 4 2000

If Required, Foreign Filing License Granted 04/08/2000

PATENT DEPT.

** SMALL ENTITY **

Title

-Diagnoctic therapy of Epstein-Barr virus in autoimmune-disordes

Diagnostics and Therapy

Disorders

Preliminary Class

424

DOCKETED FOR _ BY____ J. STINES-HATCHER _____ DATE 4-28-00

Data entry by : GUNTER RILEY, JOYCE

Team: OIPE



Date: 04/20/2000

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LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFF 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title
 of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- · The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the
 Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along
 with a copy of the Express Mail label showing the "date in."

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents Office of Initial Patent Examination Customer Service Center Washington, DC 20231



1.

WO SIGNATURES REQUIRED ON AMOUNTS OVER \$1000 Check Amount Check No. \$65.00 12241 THE FACE OF THIS CHECK HAS A SECURITY VOID BACKGROUND PATTERN - DO NOT CASH IF THE WORD VOID IS VISIBLE SunTrust Bank, Atlanta Atlanta, Georgia VOID AFTER 90 DAYS US Commissioner of Patents & Trademarks (01-2507) Arnall Golden & Gregory, LLP
PATENT OPERATING ACCOUNT
2800 ONE ATLANTIC CENTER - ATLANTA, GA 30309-3450 01-2507 Box 16 Washington;D© 20231 4/10/2000 To The Order Of: Date: Pay:

	Check #: 12241	241
Entry Date Disb ID Disbursement Description Client Code Matter Code 4/10/2000 979480 Filing fees OMRF 161 CIP - for filing fees paid to US Patent and Trademark Office for Declaration of	Client Code Matter Code 20487 256 Office for Declaration of	Amount \$65.00
Inventorship	Disbursements Total:	\$65.00

1-1221 all



The "Received" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Applicants: John B. Harley, Judith A. Ontos, and Kenneth M. Kaufman

Serial & Docket Nos.: 09/500,90% 4PR CONRE 161 CIP Filed: February 9, 2000 Filed: Estimated: Estima

Response to Notice to File Missing Parts of Non Fertament Application with Certificate of Mailing Under 37 C.F.R. § 1.8(a) (in duplicate); executed Declaration of Inventorship by John B. Harley, Judith A. James, and Kenneth M. Kaufman; executed Statement Claiming Small Entity Status by Oklahoma Medical Research Foundation; executed Statement Under 37 C.F.R. § 3.73(b) by Oklahoma Medical Research Foundation, with copies of executed Assignments from (1) Judith A. James and Kenneth M. Kaufman to Oklahoma Medical Research Foundation, (2) John B. Harley to The Board of Regents of the University of Oklahoma, and (3) The Board of Regents of the University of Oklahoma to Oklahoma Medical Research Foundation; check for \$65.00; and authorization to charge Deposit Account

Date: April 10, 2000

Client/Matter No.: (6 4 20487/256

Patrea L. Pabst, Reg. No. 31,284